

## CONSERVATORSHIP CALENDAR NOTES

May 29, 2020

10:00 a.m., Department 40  
Placer County Superior Court

UPDATED May 27, 2020, 8:00 a.m.

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.

These calendar notes are provided pursuant to Local Rule 80.1.4 for the conservatorship calendar set for hearing **May 29, 2020, 10:00 a.m., in Department 40**, Commissioner Michael A. Jacques, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

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### 1. S-PR-0002179 Willhite, Nona Lee; In re conservatorship of

Petition to transfer conservatorship to Stanislaus County is recommended for approval as prayed. Conservators should contact the clerk's office to facilitate the transfer.

**2. S-PR-0005971 Carson, William T. - In Re the Conservatorship of**

Current status of conservatorship is needed for continued conservatorship review hearing.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**3. S-PR-0008993 Hay, Donald R.- In Re the Conservatorship of**

Petition for conservator and attorney fees

Appearance is required for continued hearing on petition for conservator and attorney fees.

Missing response by court appointed counsel for conservatee.

Conservatorship and trust accounts

Appearance is required for hearing on conservatorship and trust accounts.

Clarification is needed: the petition appears to allege no VA funds are paid to or received by conservator. The account shows ongoing VA funds received by conservator.

Clarification is needed: the account shows the conservatorship paid many trust-property expenses, while apparently having insufficient cash to support such expenditures. It is unclear why those were not borne by the trust.

Clarification is needed: entries show \$7,000 paid to Lottie Has as a "personal allowance." Further details for this expenditure are required.

Clarification is needed: conservatorship estate appears insufficient to pay requested fees, including payment of conservator fees on an ongoing basis as requested.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**4. S-PR-0009046 Kilmer, Beatrice A.; In re conservatorship of**

Conservatorship review

Appearance is required for continued conservatorship review hearing.

The court appointed Peter Vlautin III, Esq., to represent conservatee; missing appearance by counsel.

#### Petition for attorney fees

Appearance is required for continued hearing on petition for attorney fees and for order authorizing substituted judgment trust to pay fees.

Missing notice of hearing (use of mandatory form notice is required; and see Prob.C. § 1211). Missing service of notice of hearing, including service to court-appointed counsel for conservatee / trust beneficiary.

Note: trustee has not petitioned for the court to fix bond as required by trust Art. V, ¶ 3, and has never posted a trustee bond. The nominal conservatorship bond posted more than a year before the substituted judgment was granted is not sufficient to meet the trustee bond requirement.

Joyce Heuser has not filed any inventory and appraisal for the conservatorship estate.

The first substituted judgment trust account is due but no account has been filed.

The court has no information concerning the condition of either the conservatorship or the trust estate. It is recommended that no fees be awarded until these matters are addressed to the court's satisfaction.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

#### **5. S-PR-0009996 Briggs, Ruth L. - In Re the Conservatorship of**

Appearance is required for hearing on petition to authorize payment of retainer to Florida attorney.

Clarification is needed: I&A shows Florida credit union accounts have having no substantial value. Additional allegations are needed showing why conservator believes they are valuable assets that require marshaling.

Clarification is needed: petition requests authority to pay a retainer amount that exceeds that required by the attached fee agreement.

Clarification is needed: the petition does not describe whether the requested retainer is likely to be sufficient to pay all Florida attorney fees and, if not, what amount may be required. The requested order would not appear to permit fees to be paid beyond the requested retainer without an additional petition and order.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**6. S-PR-0009997 Tofanelli, Taylor - In Re Conservatorship of**

Petition for attorney fees to be paid at the reduced county rate is recommended for approval as prayed.

**7. S-PR-0010043 Carroll, Martha - In Re the Conservatorship Of**

Appearance is required for hearing concerning appearance of court-appointed counsel for temporary conservatee.

Missing appearance / report by court-appointed counsel for respondent.

Court determination is needed: capacity declaration includes numerous extraneous markings on page 2, including markings at A(1), A(2) (time), B(1)(i), (ii) & (iii), B(2), B(3), B(5), B(6), B(7), (C)(1), (C)(2). It is recommended the court require an amended capacity declaration be filed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**8. S-PR-0010053 Divincenzo, Christian Eugenio - In re: Conservatorship of**

Appearance is required for continued hearing on petition for appointment of limited conservator of the person.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**9. S-PR-0010069 Hammons, Ethan - In Re Conservatorship of**

Appearance is required for hearing concerning capacity declaration.

Capacity declaration omits required doctor initials at ¶ 7b in support of medical decisional authority.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**10. S-PR-0010071 McIntosh, Kelbey - In Re Conservatorship of**

Appearance is required for continued hearing on petition for appointment of joint limited conservators of the person and estate.

Missing appearance / report by court-appointed counsel for respondent.

☎ As described above, to appear for the hearing, use of remote telephone

appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**11. S-PR-0010100 Pettijohn, Charles T. ; In re the Conservatorship of**

Appearance is required for hearing on petition for appointment of conservator of the person and estate.

Missing appearance / report by court-appointed counsel for respondent.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**12. S-PR-0010104 Montgomery, Ann ; In re the Conservatorship of**

Appearance is required for hearing on amended petition for appointment of conservator of the person and estate.

Missing sufficient service of citation with copy of amended petition to respondent. Amended petition requires new notice and service, C.R.C. 7.53, and original proof of service does not show service of the petition.

Missing sufficient service to Public Guardian. Notice does not refer to amended petition. Amended petition requires new notice and service, C.R.C. 7.53.

Missing Attachments 2 & 3 to amended confidential supplemental information form.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**13. S-PR-0010108 Houseworth, Alec - In Re Conservatorship of**

Appearance is required for hearing on petition for appointment of limited conservator of the person.

Missing appearance / report by court-appointed counsel for respondent.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**14. S-PR-0010218 Larson, Lloyd Dean - In re the Conservatorship of**

Appearance is required for continued hearing on petition for appointment of temporary conservator of the person and estate.

Response by court-appointed counsel for respondent is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**15. S-PR-0010326 Warren, Richard ; In re the Conservatorship of**

Appearance is required for hearing on petition for appointment of temporary conservator of the person and estate.

Clarification is needed: proposed bond amount is unexplained and not supported by ¶ 3e of the general petition.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.